

THE HON'BLE SRI JUSTICE N.V. RAMANA

WRIT PETITION NO. 7468 OF 2005

DATE: 18.9.2007

Between:

Y. Chandrasekhar S/o Y. Doraiswamy

...Petitioner

AND

1. Union of India rep. By its Secretary, Ministry of Communications, Department of Telecommunications, New Delhi and three others.

....Respondents

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HON'BLE SRI JUSTICE N.V. RAMANA

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WRIT PETITION NO. 7468 OF 2005

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Order:

None appeared for the petitioner on the last occasion and even today when the matter is called, none appears and there is no representation.

This Writ Petition is filed seeking a direction to the respondent to confer the temporary status and regularization as per his turn, in accordance with the extant scheme introduced by the Department of Telecom vide Lr.No. 269-10/89 STN dated 7.11.1989.

According to the petitioner, he filed the Present Writ Petition seeking directions from this Hon'ble Court to confer the temporary status and regularization as per his turn in accordance with the extant scheme introduced by the Department of Telecom vide Lr.No. 269-10/89 STN dated 7.11.1989 known as casual labour (grant of temporary status and regularization) scheme 1989. Temporary status would be conferred on the casual labourer engaged as on 7.11.1989, who have rendered a continuous service of at least one year, out of which they must have been engaged on work for a period of 240 days (206 days in case of offices observing five day week) Left out cases of the scheme 7.11.89 were considered basing on the information received by the field units vide Lr.No. 269-10/99-STN-II dated 14.8.1998 subject to the terms and conditions stated in the scheme 7.11.1989. As one time measure, part time casual labourers working

for more than 4 hours and less than 4 hours are converted as full time casual labour vide Lr.No. 269-13/99 STN-II dated 16.9.1999 and 269-13/99 STN-II dated 25.8.2000 to the extent of the post indicated against the respective field units.

They should be engaged as casual labourers only where there is a shortage of Group D staff.

A counter affidavit is filed by the respondent taking a different stand that the petitioner never worked and the Xerox copies produced by the petitioner are not genuine and apart from that on verification of the records, the Accounts Officer (Planning), Tirupathi, reported that the name of the petitioner was not mentioned in the office records and in muster rolls available with department and that instead of Y. Chandrasekhar S/o Y. Doraiswamy, petitioner herein, the name of Sri M. Chandra Sekhar S/o Sri M. Ramachander is available.

Heard the learned counsel for the respondent. Apart from the disputed questions raised in this Writ Petition by the petitioners, the respondents denied the relationship and the certificates alleged to have been produced by the petitioner appear to be bogus. It is settled law that the disputed questions of law cannot be gone into by this Court apart from the regularization of casual labour or granting temporary status and number of working days worked for a particular organization. It is the petitioner, who has to approach the appropriate forum constituted under the Industrial Disputes Act, seeking such relief and this Court cannot go into this disputed questions of law.

In view of the above, the Writ Petition is dismissed. No order as to costs.

N.V. RAMANA, J.

Date: 18.09.2007

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